

# HOUSE . . . . . No. 833

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By Mr. Petersen of Marblehead, petition of Douglas W. Petersen and others for legislation to establish guidelines and standards for protection of the rivers and streams of the Commonwealth. Environment, Natural Resources and Agriculture.

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## The Commonwealth of Massachusetts

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### PETITION OF:

Douglas W. Petersen	Louis L. Kafka
J. James Marzilli, Jr.	Timothy J. Toomey, Jr.
Steven J. D'Amico	James M. Murphy
Willie Mae Allen	Stephen Kulik
William N. Brownsberger	Barbara A. L'Italien
Jay R. Kaufman	Denis E. Guyer
James E. Timilty	Ruth B. Balser
Robert S. Creedon, Jr.	Kay Khan
Matthew C. Patrick	Susan C. Fargo
James B. Eldridge	Joyce A. Spiliotis
Denise Provost	Anthony J. Verga
Linda Dean Campbell	Geraldo Alicea
Tom Sannicandro	Thomas P. Conroy
Michael F. Rush	Thomas J. Calter
Stephen M. Brewer	
Peter V. Kocot	

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In the Year Two Thousand and Seven.

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### AN ACT TO PROTECT THE RIVERS AND STREAMS OF THE COMMONWEALTH.

1     *Whereas*, it is the policy of the Commonwealth to protect the  
2 physical, chemical and biological integrity of its rivers and their ben-  
3 eficial uses for the citizens of Massachusetts; and

4     *Whereas*, adequate stream flows and water levels are necessary  
5 for protection and procreation of fish and wildlife; maintenance of  
6 aquatic ecosystems and recreational activities; preservation of aes-  
7 thetic values; protection of groundwater and public water supplies;  
8 and the reduction of pollution;

9     *Therefore*, it is declared to be in the public interest to adopt  
10 stream flow protection principles and standards.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 3 of Chapter 21G of the General Laws is  
2 hereby amended by inserting, at the end of second paragraph, the  
3 following:—

4 “The commission shall adopt principles, policies and guidelines  
5 for maintaining instream flows and hydrologic regimes that are pro-  
6 tective of natural aquatic life for all rivers and streams in the com-  
7 monwealth. Such principles, policies and guidelines shall be based  
8 on the natural variation of flows and water levels adequate to ensure  
9 the biological, physical and chemical integrity of the water  
10 resource.”

1 SECTION 2. Section 3 of Chapter 21G of the General Laws is  
2 further amended by inserting, in the sixth paragraph, in line 67, after  
3 the phrase “chapter twenty-one”, the following sentence:—

4 “The department in consultation with the division of fish and  
5 wildlife shall adopt regulations establishing criteria and standards  
6 for maintaining instream flows and hydrologic regimes that are pro-  
7 tective of natural aquatic life for all rivers and streams in the Com-  
8 monwealth. Such criteria and standards shall be based on the natural  
9 variation of flows and water levels and shall ensure the biological,  
10 physical and chemical integrity of the water resource.”

1 SECTION 3. Section 2 of Chapter 21G of the General Laws is  
2 hereby amended by deleting the current definition of “Safe Yield”  
3 and inserting in its place, the following:—

4 “‘Safe Yield’, the maximum dependable withdrawals that can be  
5 made from a water source including ground or surface water consis-  
6 tent with maintaining instream flows and hydrologic regimes that are  
7 protective of natural aquatic life and ecological integrity and which  
8 provide dependable withdrawals during a period of years in which  
9 the probable driest period or period of greatest water deficiency is  
10 likely to occur.”

1 SECTION 4. The Water Resources Commission is authorized and  
2 directed to adopt streamflow principles, polices and guidelines as  
3 required by Section 3 of Chapter 21G within one year of the effec-

4 tive date of this act. The Department of Environmental Protection is  
5 hereby authorized and directed to adopt streamflow criteria and stan-  
6 dards as required by Section 3 of Chapter 21G within two years of  
7 the effective date of this act.

1 SECTION 5. The streamflow criteria and standards developed  
2 by the department pursuant to Section 2 of this act shall be state  
3 water quality standards pursuant to the department's authority in  
4 Chapter 21, Section 27 of the general laws.